

PROCEEDINGS OF THE BROWN COUNTY
LAND CONSERVATION SUBCOMMITTEE

Pursuant to Section 18.94 Wis. Stats., a regular meeting of the **Brown County Land Conservation Subcommittee** was held on Monday, June 25, 2012 in Room 200, Northern Building, 305 E. Walnut Street, Green Bay, WI

Present: Norb Dantine-Chairman; Bernie Erickson, Dave Kaster, Tom Sieber, Dave Landwehr, Norb VandeHei
Also Present: Bill Hafs, Jim Jolly, John Bechle, Executive Streckenbach, Aaron Schuette, other interested parties.

I. Call Meeting to Order:

The meeting was called to order by Chairman Norb Dantine at 6:22 p.m.

II. Approve/Modify Agenda.

Motion made by Supervisor Kaster, Seconded by N. VandeHei to approve. Vote taken.

MOTION UNANIMOUSLY APPROVED

III. Approve/Modify Minutes of Land Conservation Subcommittee of April 23, 2012.

Motion made by Supervisor Kaster, Seconded by Supervisor Sieber to approve. Vote taken.

MOTION UNANIMOUSLY APPROVED

1. Land and Water Conservation Department Budget Update May 2012 (to be distributed at LCC meeting).

Bill Hafs provided the Land and Water Conservation Budget Status Report for May, 2012, a copy of which is attached.

Motion made by Supervisor Sieber, Seconded by Supervisor Kaster to receive and place on file. Vote taken. **MOTION UNANIMOUSLY APPROVED**

2. Budget Adjustment request for Land and Water Conservation Department for 2012 budget – East River USDA grant. (BA 12-57 LWC East River Project Grant Budget Removal).

Hafs informed the Subcommittee that they did not receive the grant referred to and therefore they are taking the grant out of their budget.

Motion made by Supervisor Erickson, Seconded by Supervisor Sieber to approve. Vote taken. **MOTION UNANIMOUSLY APPROVED**

3. Update on Working Lands Initiative conservation requirements provisions status. Number of participants, number of field inspections, number not in compliance with state standards (NR 151) – Jim Jolly (Working Lands Initiative photos).

Jim Jolly provided a handout, (attached) and provided an update on the Working Lands Initiative. He stated that the State has ramped this up again and will be requiring the County to do a lot of work that had not been done for a while because the funding was removed about five years ago. Now, as a part of the grant from the State, it is required that the County do the work and it applies to the ag acres in the County that are zoned exclusive agriculture.

The Working Lands Initiative is a tax credit program in which people participate at the rate of \$7.50 per acre. There are requirements for participating which include doing conservation work on the property and keeping things in compliance with State standards. Current participation rates are about 60,000 acres or 50% of what is eligible to participate. There are 475 farms participating and the County is supposed to inspect 25% of these farms annually. So far this year 80 farms have been inspected and there was not a single farm that was in compliance with State standards. There is a lot of work that needs to be done for various reasons including farms are getting bigger, commodity prices are up, grow crops are drastically increased, ag production is down and erosion rates and runoff is increasing.

Jolly continued that there are three segments of the program as outlined on the handout. These segments are program administration, inspections and implementation. Requirements of each segment are outlined on the handout. Hafs stated that they are able to handle the program administration and inspection with the current staff; however, when the implementation phase takes place staff needs will increase significantly and he felt that they would need to add a technician to accomplish everything that needs to be done. Jolly stated the grant requires the County to do the work outlined in the implementation phase of the program and it is done at no charge to the farmer.

Supervisor Landwehr questioned if some of these things could be done on a mapping or satellite image system to see that buffers are being maintained and things along those lines. Jolly stated that this is already being done and is part of the process of administration. He continued that the program does require onsite inspections and documentation needs to be provided that this was done.

In reference to design work in the implementation phase being provided by the County, Supervisor Sieber wanted to know who was responsible to pay for the work necessary for implementation and Jolly stated that the County is responsible for giving the participants a prescribed way of handling problems.

Jolly stated a decision will have to be made as to whether they should stay in the program and do the job or get out and sacrifice the tax credits. The County has done a lot of work to get into the program and the farmers want the credits. Right now program participation results in about \$450,000 in tax credits to participants.

Supervisor Kaster asked about the administration phase and if Jolly is referring to the entire County or only the portion that is eligible for the tax credits. Jolly said he is referring to only the land that is enrolled in the program. He continued that the kicker in all this is when they are out on farms and telling land owners that they have to comply with certain things, the farmers come back by saying if they have to do it, what about farmers who are not in the program. This has become a complaint he hears frequently.

Jolly continued that in the last five years they had been doing self-certification. All they had staff time to do was send out letters asking if participants were in compliance with the

standards and the replies were that they were in compliance. Now when they go out to personally inspect things, they find that nobody is in compliance.

Sieber questioned if the lands were initially inspected for compliance and enrollment in the program. Jolly stated that they put a lot of work into compliance when the State gave dollars. He continued that the farmers are aware they are not in compliance. Sieber asked if there were any other remedies other than having staff inspect the lands and Jolly stated the only other thing to do would be to get out of the program all together. Hafs stated that land owners are still required to be in compliance pursuant to County ordinance and State statute, whether the County remains in the program or not.

Motion made by Supervisor Erickson, seconded by Supervisor Kaster to suspend the rules to allow interested parties to speak. Vote taken. MOTION UNANIMOUSLY APPROVED

Lee De Champs, Town of Green Bay, addressed the Subcommittee. He would like to know where the \$7.50 tax credit per acre comes from. Jolly stated that that is the tax credit that you would get on your State income tax when you participate in the program.

Motion by Supervisor Erickson, Seconded by N. Vande Hei to return to regular order of business. Vote taken. MOTION UNANIMOUSLY APPROVED

Hafs said that the State gave the County roughly \$100,000 per year for cost share for farmers on top of the \$7.50 per acre credit through the grant. The State also gives \$120,000 per year for staffing so the total cost of what the State is giving is \$670,000. Hafs also commented on the implementation phase shown on the handout and stated that in looking in the 4 – 8 year range, two additional staff members would be needed. He also wished to point out that when they picked up the additional work load for the program, they had to let something else go and what they let go was nutrient management planning. They had to make that trade off and he pointed out that nutrient management is also a requirement of the State.

Kaster asked for clarification on the amount received for staffing and Hafs explained that the \$100,000 referred to earlier is for cost share that they give the landowners to help pay for these things but this figure is inadequate. The \$120,000 referred to is for staffing which also is inadequate and he felt the State is asking for a lot and also reducing the amount of money they provide. Last year the County received \$26,000 more on staffing allocation than we did this year and a few years ago the County was receiving much more for staffing, about \$340,000. Hafs brought this up because of the economics of what the total dollars from the State are and what the costs are. If you put two staff on with vehicles and computers you are probably looking at about \$200,000.

Motion made by Supervisor Erickson, Seconded by Supervisor Sieber to receive and place on file. Vote taken. MOTION UNANIMOUSLY APPROVED

4. **Lake Michigan Area Land and Water Conservation By-Laws. (Lake Mich. Area By-Laws).**

Hafs explained that they belong to the Wisconsin Land and Water Conservation Association and a decision was made at the State level to combine the County Board Supervisors and the County employees into one association. There was a lot of debate and one of the main reasons this was done was that the WLWCA had an executive director. The by-laws at the area association changed because of that. The main changes are that for each County now the Land

Conservation Committee shall appointment one committee member to be on the area association and the department would appoint one staff person.

Hafs stated that this Subcommittee will start receiving mailings from the Lake Michigan Association and he wanted to let the Committee know what it was about and that it is a result of the change in the by-laws.

Motion made by Supervisor Sieber, Seconded by Supervisor Kaster to receive and place on file. Vote taken. MOTION UNANIMOUSLY APPROVED

5. **Lake Michigan Area Land and Water Conservation Association Summer tour July 20, 2012 at Barkhausen Wildlife Preserve – Barkhausen presentation Matt Kriese; West Shore Pike Habitat Restoration Project presentation Jim Jolly; Cat – Island Restoration Project presentation and tour – Mark Walter Solid Waste Department. (2012 Lake Michigan Area Land and Water Conservation Association Summer Tour Agenda July 20).**

Hafs stated that Brown County, along with seven other counties make up the Lake Michigan Area Land and Water Conservation Association. Once every eight years, Brown County gives a tour and this year it is our turn to do the tour. The agenda for the business meeting has not been received as of yet, however, Hafs said that one of the items that will be discussed is the working lands initiative and how the County will do the mandate without additional dollars from the State. He stated that the Subcommittee is invited to attend and he would like to know by July 16, 2012 how many will be joining the tour.

Motion made by Supervisor Erickson, Seconded by N. Vande Hei to receive and place on file. Vote taken. MOTION UNANIMOUSLY APPROVED

6. **GLRI grants review:**
- a) **Upper East River Riparian Protection Project. (Summary information page and work plan Upper East GLRI Grant Application, Letters of Support for Upper East GLRI Grant Request).**
 - b) **Waste Transformation Facility feasibility study. Brad Holtz.**
 - c) **Baird Creek Buffer Project continuation. Rob Vesperman.**

Hafs stated that these were approved before the County Board meeting. He stated these grants could help with some cost share dollars as discussed earlier. The three grants requested total \$1.1 million dollars.

Motion made by Supervisor Erickson, Seconded by Supervisor Sieber to take items 6a, b, and c together. Vote taken. MOTION UNANIMOUSLY APPROVED

Motion made by Supervisor Erickson, seconded by Supervisor Kaster to receive and place on file items 6a, b and c. Vote taken. MOTION UNANIMOUSLY APPROVED

7. **Closed Session: The Land Conservation Committee will conduct a closed session to discuss and possibly act on pending violations, inspections, findings, and compliance actions by Land and Water Conservation Department Staff and County Corporation Counsel related to the Brown County Code of Ordinances - Chapter 26 Animal Waste Management Ordinance. Pursuant to Wis. Stat. § 19.85(1)(d), any meeting of a governmental body may be convened in**

closed session for purposes of considering specific applications of probation, extended supervision or parole, or considering strategy for crime detection or prevention. Additionally, under Wis. Stat. § 19.85(1)(f), any meeting of a governmental body may be convened in closed session for purposes of considering financial, medical, social or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations. And, under Wis. Stat. § 19.85(1)(g), any meeting of a governmental body may be convened in closed session for purposes of conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

Motion made by Supervisor Erickson, seconded by Supervisor Kaster to enter into closed session at 7:04 p.m. Vote taken. MOTION UNANIMOUSLY APPROVED. Roll Call: Present - Sieber, Landwehr, Kaster, Dantinne, Erickson, Vande Hei.

8. Reconvene in open session to conduct regular business.

Motion made by Supervisor Erickson, seconded by Supervisor Kaster to return to regular order of business at 7:40 p.m. Vote taken. MOTION UNANIMOUSLY APPROVED. Roll Call: Present – Sieber, Landwehr, Kaster, Dantinne, Erickson, Vande Hei.

9. Such other matters as authorized by law.

None.

10. Adjourn.

Motion made by Supervisor Sieber, seconded N. Vande Hei by to adjourn at 7:42 p.m. Vote taken. MOTION APPROVED UNANIMOUSLY

Respectfully submitted,

Alicia A. Loehlein
Recording Secretary

Brown County

Land and Water Conservation

Budget Status Report (unaudited)

5/31/2012

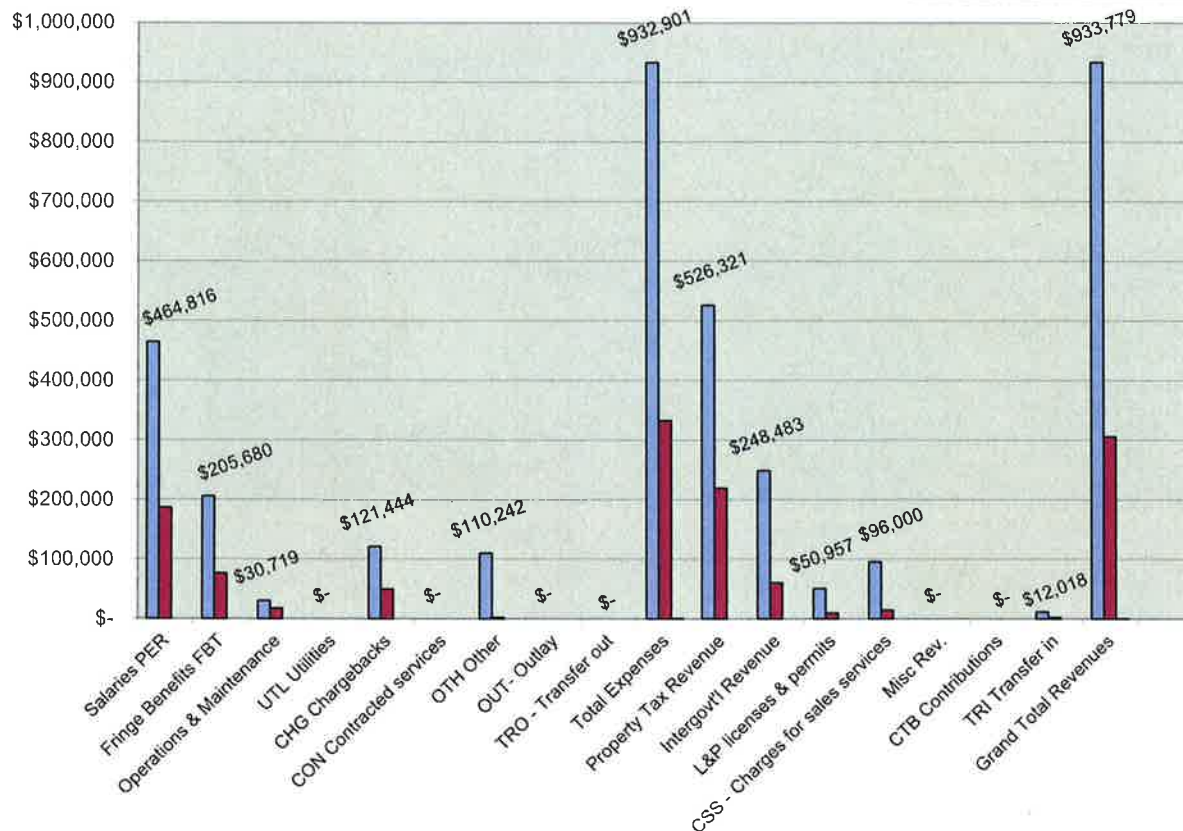
	2012 Annual Budget Amended	2012 YTD Transactions		2011 Budget	2011 Actual
Salaries PER	\$ 464,816	\$ 186,472		\$ 477,345	\$ 470,581
Fringe Benefits FBT	\$ 205,680	\$ 76,568		\$ 205,937	\$ 193,360
Operations & Maintenance	\$ 30,719	\$ 17,670		\$ 47,279	\$ 43,234
UTL Utilities	\$ -	\$ -		\$ 72	\$ -
CHG Chargebacks	\$ 121,444	\$ 49,777	Indirect cost, I.S., Insurance	\$ 103,702	\$ 103,624
CON Contracted services	\$ -	\$ -		\$ -	\$ -
OTH Other	\$ 110,242	\$ 2,076	Grant exp., landowner payments, WD, L&W	\$ 104,931	\$ 112,389
OUT- Outlay	\$ -	\$ -		\$ -	\$ -
TRO - Transfer out	\$ -	\$ -		\$ -	\$ -
Total Expenses	\$ 932,901	\$ 332,565	36%	\$ 939,266	\$ 923,190
Property Tax Revenue	\$ 526,321	\$ 219,300		\$ 494,990	\$ 494,990
Intergovtl Revenue	\$ 248,483	\$ 60,338	State grants	\$ 273,879	\$ 279,058
L&P licenses & permits	\$ 50,957	\$ 9,700	Permits, inspections	\$ 47,000	\$ 54,578
CSS - Charges for sales services	\$ 96,000	\$ 14,660	Ag 50 cent fee, Tree sales	\$ 97,000	\$ 104,769
Misc Rev.	\$ -	\$ -		\$ -	\$ -
CTB Contributions	\$ -	\$ -		\$ 2,000	\$ 2,000
TRI Transfer in	\$ 12,018	\$ 2,167		\$ 24,397	\$ 24,355
Grand Total Revenues	\$ 933,779	\$ 306,166	33%	\$ 939,266	\$ 959,750

16,075+

20,485 +

Land and Water Conservation May 31, 2012

■ 2012 Annual Budget Amended
■ 2012 YTD Transactions

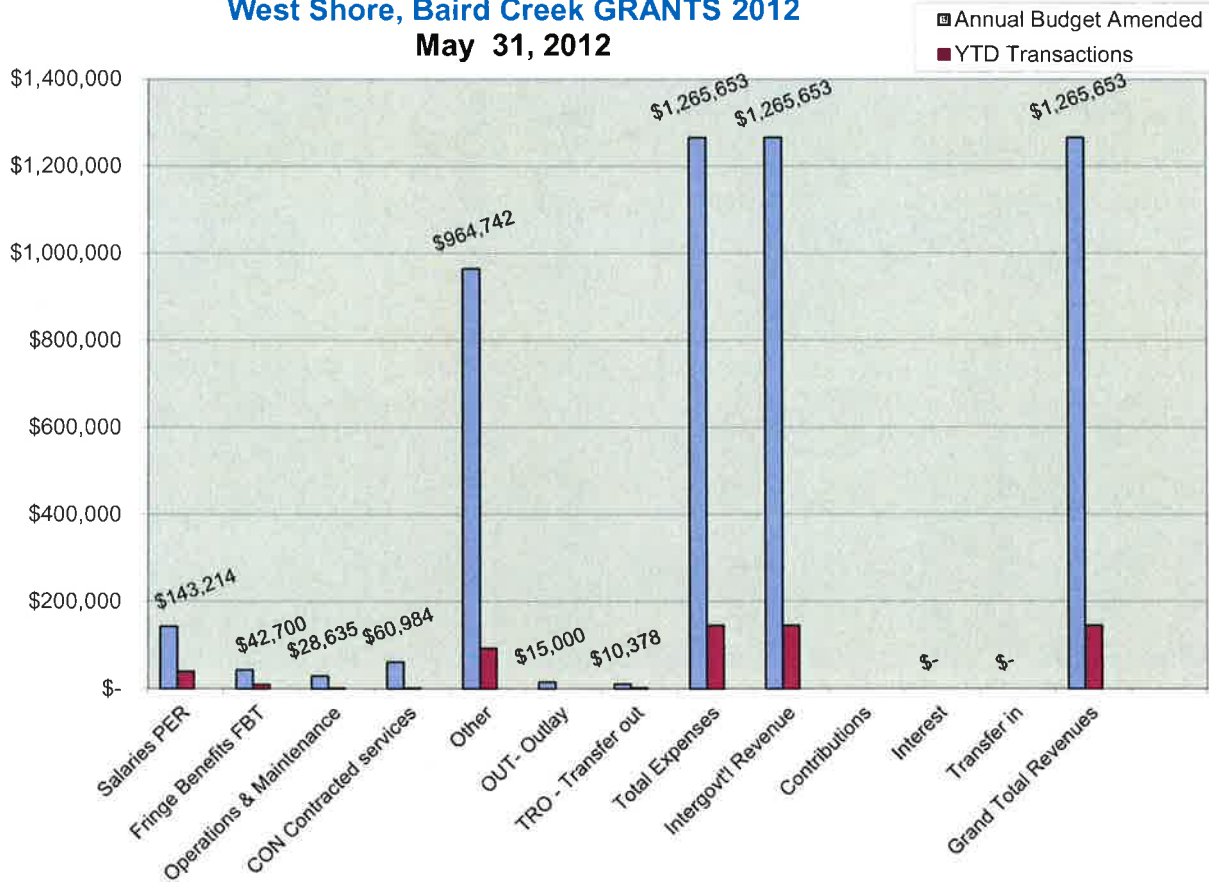


Brown County
Land Conservation **West Shore, Baird Creek GRANTS**
Budget Status Report (unaudited)

5/31/2012	Annual Budget Amended	YTD Transactions
Salaries PER	\$ 143,214	\$ 39,463
Fringe Benefits FBT	\$ 42,700	\$ 8,934
Operations & Maintenance	\$ 28,635	\$ 911
CON Contracted services	\$ 60,984	\$ 920
Other	\$ 964,742	\$ 92,720
OUT- Outlay	\$ 15,000	\$ -
TRO - Transfer out	\$ 10,378	\$ 2,167
Total Expenses	\$ 1,265,653	\$ 145,116 11%
Intergov't Revenue	\$ 1,265,653	\$ 145,116
Contributions		
Interest	\$ -	\$ -
Transfer in	\$ -	\$ -
Grand Total Revenues	\$ 1,265,653	\$ 145,250 11%

Baird Creek Preservation Foundation
landowner payments

Land and Water Conservation
West Shore, Baird Creek GRANTS 2012
May 31, 2012



Working Lands Initiative

Participation

- 59,652 acres enrolled (2011); 50% of eligible acres
- 475 participants
- Approximately 80 farms inspected
- 0% are in compliance

Program Administration (1300 hours annually) - Current staff

- Track landowner participation
- Send annual certification letters
- Certifications reviewed and issued to landowner (475)
- Certificate of Compliance prepared/mailed
- Maps (1992 = # parcels enrolled)
- 15-20 phone calls per day November-March
- Notices of noncompliance to DOR and DATCP
- LCC hearings

Inspection (800 hours annually) – Current Staff – reduction in NM planning

- 15,000 acres per year inspected (100 farms per year)
- Inspection time of 4 hours per farm (150 acres)
- Develop schedules of compliance

Implementation (years 1 - 1150 hours, 2yr – 2300 hours; 3yr – 3450 hours; 4-8 yrs 4600 hours)

Conservation practice implementation on a typical 150 acre farm

- 3 acres waterway
- 2 acres concentrated flow
- 3 acres buffer strip